

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

SENIOR LIFESTYLE CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	No. 1:17-cv-02457-JMS-MJD
)	
KEY BENEFIT ADMINISTRATORS, INC.,)	
)	
Defendant.)	


ORDER ADOPTING REPORT AND RECOMMENDATION

The Magistrate Judge has issued his Report and Recommendation (“R&R”) on Defendant’s Renewed Motion to Enforce the July 6, 2018 Discovery Order and for Sanctions and Other Relief, [Filing No. 133], recommending that the Motion be granted and that the Court award Defendant “all reasonable costs and fees it incurred as a result of SLC’s violation of the July 6, 2018 Discovery Order, including but not limited to KBA’s reasonable attorneys’ fees and litigation costs for all work attributable to SLC’s failure to comply with the Order, to include the redeposition of any witnesses following SLC’s supplemental production.” [Filing No. 237 at 13-14.] The Magistrate Judge further recommended that if it ultimately prevailed, Plaintiff “should not be entitled to the recovery of any fees or expenses associated with any document production that occurred as a result of SLC’s failure to comply with the Court’s prior discovery Order, to include any fees or expenses associated with the redeposition of any witnesses following SLC’s supplemental production.” [Filing No. 237 at 14.]

Pursuant to Federal Rule of Civil Procedure 72(b)(2), the parties were provided 14 days in which to object to the Magistrate Judge’s R&R. No objection was filed. The Court, having considered the Magistrate Judge’s R&R, finds it to be well-reasoned and therefore **ADOPTS** the

R&R [237] as an Order of the Court and **GRANTS** Defendant's Motion [133] as set forth therein. Defendant may, within **fourteen days** of this Order, file a motion for fees with supporting documentation as set forth in the R&R. The Court further **REFERS** any such motion for fees to the Magistrate Judge to conduct any necessary hearings and to issue a report and recommendation regarding its proper disposition.

Date: 7/19/2019


Hon. Jane Magnus-Stinson, Chief Judge
United States District Court
Southern District of Indiana

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